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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/931,660 | 08/16/2001 | Shin Ima | 450100-03393 | 3348 |
| 20999 | 7590 | 09/23/2005 | EXAMINER | |
| FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151 | | | WU, RUTAO | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3639 | |

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 09/931,660 | Applicant(s) IIMA, SHIN | |
| | Examiner Rutao Wu | Art Unit 3639 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |




DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat No. 5,819,092 to Ferguson et al.

Referring to claims 1-3:

An information-processing apparatus for transmitting data through a network, comprising:

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judgment means for forming a judgment as to whether an action for transferring data through said network has been taken by a transmission side or a reception side; (col 8: lines 63-67; col 9: lines 1-2; col 13: lines 58-60)

multiplexing means for multiplexing a positive or negative unit cost per unit data in said data transferred through said network on the basis of a result of said judgment formed by said judgment means; and (col 4: lines 58-60, 64-67; col 30: lines 28-30, 61-62; col 31: lines 2-7, lines 33-43)

transmission means for transmitting said data multiplexed with said unit cost by said multiplexing means through said network. (col 4: lines 46-48; col 9: lines 5-9; col 11: lines 4-8)

the examiner is considering, based on the specifications portion of the applicant's application, that if data was transferred with a negative value, then initiating side would not be levied a charge or be paid an amount of fee; if data was transferred with a positive value, then the initiating side would be levied a charge and the non-initiating side would not be levied a charge or be paid an amount of money. A couple of examples are provided by Ferguson's patent to illustrated the concept. Users can be levied a fee for information viewed or downloaded and the provider can be paid a fee for users accessing their information. In this case, the users initiated the transferring with a positive value. A provider can be levied a fee for users viewing or downloading their information. In this case, the users initiated the transferring with a negative value.

Referring to claims 4, 7 and 8:

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An accounting-processing apparatus for settling accounting for data exchange through a network, comprising:

judgment means for forming a judgment as to whether an action for transferring data through said network has been taken by a transmission side or a reception side; (col 8: lines 63-67; col 9: lines 1-2; col 13: lines 58-60) and

accounting means for driving said transmission side or said reception side determined by said judgment means to be a side initiating an action for transferring data through said network to settle accounting for said data transferred through said network. (col 7: lines 29-31; col 9: lines 2-5; col 10: lines 13-14)

Referring to claim 5:

An accounting-processing apparatus according to claim 4, further comprising:

First acquisition means for acquiring an amount of data exchange through said network; and (col 3: lines 62-63; col 18: lines 36-37; col 30: lines 1-2, 42-43)

Second acquisition means for acquiring a unit price per unit data for data exchanged through said network, (col 3: lines 62-63; col 18: lines 36-37; col 30: lines 1-2, 42-43)

Wherein said accounting means computes a price of transferred data on the basis of an amount of data acquired by said first acquisition means and a unit price acquired by said second acquisition means. (col 3: lines 62-63; col 18: lines 36-37; col 30: lines 1-2, 42-43)

Referring to claim 6:

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An accounting-processing apparatus according to claim 4 wherein said second acquisition means further acquires a sign of said unit price, and said accounting means drives said transmission side or said reception side determined to be a side not initiating an action for transferring data through said network to settle accounting in case said sign is negative. (col 4: lines 58-60, 64-67; col 30: lines 28-30, 61-62; col 31: lines 2-7, lines 33-43)

the examiner is considering, based on the specifications portion of the applicant's application, that if data was transferred with a negative value, then initiating side would not be levied a charge or be paid an amount of fee; if data was transferred with a positive value, then the initiating side would be levied a charge and the non-initiating side would not be levied a charge or be paid an amount of money. A couple of examples are provided by Ferguson's patent to illustrate the concept. Users can be levied a fee for information viewed or downloaded and the provider can be paid a fee for users accessing their information. In this case, the users initiated the transferring with a positive value. A provider can be levied a fee for users viewing or downloading their information. In this case, the users initiated the transferring with a negative value.

Conclusion

1. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

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may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to billing systems for information distribution:

U.S. Pat No. 6,119,109 to Muratani et al.

U.S. Pat No. 6,738,752 to Sako et al.

U.S. Pat No. 6,151,600 to Dedrick.

U.S. Pat No. 6,035,281 to Crosskey et al.

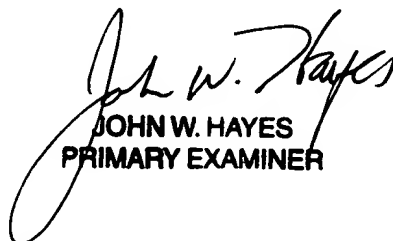
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rutao Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOHN W. HAYES
PRIMARY EXAMINER